

Appointment

---

**From:** L. Michael Bogert [mbogert@midasgoldinc.com]  
**Sent:** 5/23/2019 3:07:18 PM  
**To:** L. Michael Bogert [mbogert@midasgoldinc.com]; Werntz, James [Werntz.James@epa.gov]  
**CC:** Laurel Sayer [lsayer@midasgoldinc.com]; Hood, Lynne [Hood.Lynne@epa.gov]

**Subject:** Brief Visit Next Week  
**Location:** EPA Idaho Ops Office

**Start:** 5/23/2019 8:00:00 PM  
**End:** 5/23/2019 8:30:00 PM  
**Show Time As:** Busy

**Recurrence:** (none)

---

**From:** L. Michael Bogert  
**Sent:** Thursday, May 23, 2019 9:06 AM  
**To:** 'Werntz, James' <Werntz.James@epa.gov>  
**Cc:** Laurel Sayer <lsayer@midasgoldinc.com>; Hood, Lynne <Hood.Lynne@epa.gov>  
**Subject:** RE: Brief Visit Next Week

Thanks Jim.

---

**From:** Werntz, James <Werntz.James@epa.gov>  
**Sent:** Thursday, May 23, 2019 9:04 AM  
**To:** L. Michael Bogert <mbogert@midasgoldinc.com>  
**Cc:** Laurel Sayer <lsayer@midasgoldinc.com>; Hood, Lynne <Hood.Lynne@epa.gov>  
**Subject:** RE: Brief Visit Next Week

Yes Michael – it works. I'll be coming from a meeting at the Riverside, so I won't be back until right at 2 pm. Jim

James H. Werntz, Director  
US EPA – Idaho Operations  
950 W. Bannock St., Suite 900  
Boise, Idaho 83702

208-378-5743

---

**From:** L. Michael Bogert <mbogert@midasgoldinc.com>  
**Sent:** Thursday, May 23, 2019 9:02 AM  
**To:** Werntz, James <Werntz.James@epa.gov>  
**Cc:** Laurel Sayer <lsayer@midasgoldinc.com>; Hood, Lynne <Hood.Lynne@epa.gov>  
**Subject:** RE: Brief Visit Next Week

Jim: Confirming our 2P today? If that works I will send a meeting notice.

Thanks Jim and we hope to see you this aft.

---

**From:** L. Michael Bogert  
**Sent:** Tuesday, May 14, 2019 6:13 PM  
**To:** Laurel Sayer <[lsayer@midasgoldinc.com](mailto:lsayer@midasgoldinc.com)>; Werntz, James <[Werntz.James@epa.gov](mailto:Werntz.James@epa.gov)>  
**Cc:** Hood, Lynne <[Hood.Lynne@epa.gov](mailto:Hood.Lynne@epa.gov)>  
**Subject:** RE: Brief Visit Next Week

Laurel/Jim: That will work for me.

---

**From:** Laurel Sayer <[lsayer@midasgoldinc.com](mailto:lsayer@midasgoldinc.com)>  
**Sent:** Tuesday, May 14, 2019 4:45 PM  
**To:** Werntz, James <[Werntz.James@epa.gov](mailto:Werntz.James@epa.gov)>; L. Michael Bogert <[mbogert@midasgoldinc.com](mailto:mbogert@midasgoldinc.com)>  
**Cc:** Hood, Lynne <[Hood.Lynne@epa.gov](mailto:Hood.Lynne@epa.gov)>  
**Subject:** RE: Brief Visit Next Week

I can meet next Thursday afternoon. 2 PM?  
Michael does that work for you?

---

**From:** Werntz, James <[Werntz.James@epa.gov](mailto:Werntz.James@epa.gov)>  
**Sent:** Tuesday, May 14, 2019 4:43 PM  
**To:** L. Michael Bogert <[mbogert@midasgoldinc.com](mailto:mbogert@midasgoldinc.com)>  
**Cc:** Laurel Sayer <[lsayer@midasgoldinc.com](mailto:lsayer@midasgoldinc.com)>; Hood, Lynne <[Hood.Lynne@epa.gov](mailto:Hood.Lynne@epa.gov)>  
**Subject:** Re: Brief Visit Next Week

Michael and Laurel: If your schedule allows, could we meet next Thursday afternoon, May 23? Jim

Sent from my iPhone

On May 14, 2019, at 9:47 AM, L. Michael Bogert <[mbogert@midasgoldinc.com](mailto:mbogert@midasgoldinc.com)> wrote:

Jim: Laurel and I are hoping to visit with you and Lynn Hood next Monday or Tuesday regarding two brief administrative matters related to the Stibnite Project. All we need is a half hour.

Thanks.

---

**L. Michael Bogert**  
General Counsel  
Midas Gold Idaho

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<image003.png> [@MidasIdaho](https://twitter.com/MidasIdaho)

W [www.midasgoldidaho.com](http://www.midasgoldidaho.com)

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Message

---

**From:** L. Michael Bogert [mbogert@midasgoldinc.com]  
**Sent:** 5/23/2019 3:04:58 PM  
**To:** Werntz, James [Werntz.James@epa.gov]  
**CC:** Laurel Sayer [lsayer@midasgoldinc.com]; Hood, Lynne [Hood.Lynne@epa.gov]  
**Subject:** RE: Brief Visit Next Week

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**Cc:** Laurel Sayer <lsayer@midasgoldinc.com>; Hood, Lynne <Hood.Lynne@epa.gov>  
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James H. Werntz, Director  
US EPA – Idaho Operations  
950 W. Bannock St., Suite 900  
Boise, Idaho 83702

208-378-5743

---

**From:** L. Michael Bogert <mbogert@midasgoldinc.com>  
**Sent:** Thursday, May 23, 2019 9:02 AM  
**To:** Werntz, James <Werntz.James@epa.gov>  
**Cc:** Laurel Sayer <lsayer@midasgoldinc.com>; Hood, Lynne <Hood.Lynne@epa.gov>  
**Subject:** RE: Brief Visit Next Week

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**From:** L. Michael Bogert  
**Sent:** Tuesday, May 14, 2019 6:13 PM  
**To:** Laurel Sayer <lsayer@midasgoldinc.com>; Werntz, James <Werntz.James@epa.gov>  
**Cc:** Hood, Lynne <Hood.Lynne@epa.gov>  
**Subject:** RE: Brief Visit Next Week

Laurel/Jim: That will work for me.

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**From:** Laurel Sayer <lsayer@midasgoldinc.com>  
**Sent:** Tuesday, May 14, 2019 4:45 PM  
**To:** Werntz, James <Werntz.James@epa.gov>; L. Michael Bogert <mbogert@midasgoldinc.com>  
**Cc:** Hood, Lynne <Hood.Lynne@epa.gov>  
**Subject:** RE: Brief Visit Next Week

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**From:** Werntz, James <Werntz.James@epa.gov>  
**Sent:** Tuesday, May 14, 2019 4:43 PM  
**To:** L. Michael Bogert <mbogert@midasgoldinc.com>  
**Cc:** Laurel Sayer <lsayer@midasgoldinc.com>; Hood, Lynne <Hood.Lynne@epa.gov>  
**Subject:** Re: Brief Visit Next Week

Michael and Laurel: If your schedule allows, could we meet next Thursday afternoon, May 23? Jim

Sent from my iPhone

On May 14, 2019, at 9:47 AM, L. Michael Bogert <mbogert@midasgoldinc.com> wrote:

Jim: Laurel and I are hoping to visit with you and Lynn Hood next Monday or Tuesday regarding two brief administrative matters related to the Stibnite Project. All we need is a half hour.

Thanks.

---

**L. Michael Bogert**

General Counsel  
Midas Gold Idaho

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<image003.png> [@MidasIdaho](https://twitter.com/MidasIdaho)

W [www.midasgoldidaho.com](http://www.midasgoldidaho.com)

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Message

---

**From:** L. Michael Bogert [mbogert@midasgoldinc.com]  
**Sent:** 8/21/2019 5:27:09 PM  
**To:** Werntz, James [Werntz.James@epa.gov]  
**CC:** Hood, Lynne [Hood.Lynne@epa.gov]  
**Subject:** RE: EPA request- Urgent

Jim: That will work for me. I was actually looking forward to seeing some of the gang on Site, but we will await another day.

---

**L. Michael Bogert**

General Counsel  
Midas Gold Idaho

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---

**From:** Werntz, James <Werntz.James@epa.gov>  
**Sent:** Wednesday, August 21, 2019 11:23 AM  
**To:** L. Michael Bogert <mbogert@midasgoldinc.com>  
**Cc:** Hood, Lynne <Hood.Lynne@epa.gov>  
**Subject:** RE: EPA request- Urgent

Michael: This is unfortunate. I was not aware of this, but I learned this morning that our team didn't know about your intention to join the trip until yesterday. I agree that it would have been appropriate for us to call you as a courtesy, instead of you receiving a notification via USFS email.

Next time, let's aim for more advance notice of your plans to attend meetings/tours, so we're able to have our attorney participate too. Thank you. Jim

James H. Werntz, Director  
US EPA – Idaho Operations  
950 W. Bannock St., Suite 900  
Boise, Idaho 83702

208-378-5743

---

**From:** L. Michael Bogert <[mbogert@midasgoldinc.com](mailto:mbogert@midasgoldinc.com)>  
**Sent:** Wednesday, August 21, 2019 9:56 AM  
**To:** Werntz, James <[Werntz.James@epa.gov](mailto:Werntz.James@epa.gov)>  
**Cc:** Hood, Lynne <[Hood.Lynne@epa.gov](mailto:Hood.Lynne@epa.gov)>  
**Subject:** FW: EPA request- Urgent  
**Importance:** High

Jim: FYI below and no action necessary on your part. I am absolutely certain you were not in the loop.

A courtesy heads up to me from someone at R 10 would have taken care of this very reasonable and appropriate request. Instead, a drama-laden ultimatum delivered through the Forest Service? Sheesh.

---

**L. Michael Bogert**

General Counsel  
Midas Gold Idaho

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---

**From:** Craig, Belle A -FS <[belle.craig@usda.gov](mailto:belle.craig@usda.gov)>  
**Sent:** Tuesday, August 20, 2019 1:27 PM  
**To:** Alan Haslam <[ahaslam@midasgoldinc.com](mailto:ahaslam@midasgoldinc.com)>; Laurel Sayer <[lsayer@midasgoldinc.com](mailto:lsayer@midasgoldinc.com)>  
**Cc:** Goessel, Kathryn M -FS <[kathryn.goessel@usda.gov](mailto:kathryn.goessel@usda.gov)>; Brummett, Tawnya -FS <[tawnya.brummett@usda.gov](mailto:tawnya.brummett@usda.gov)>  
**Subject:** EPA request- Urgent

Hi Alan,

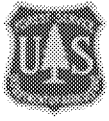
I tried to call both your office and cell phone, and did not get through. When we spoke yesterday late in the afternoon you mentioned your general counsel would be attending our meeting. If Mr. Bogert attends the field trip, EPA will cancel their participation trip.

I would like to request that Mr. Bogert not attend the field trip on August 22<sup>nd</sup>, because the EPA will not attend without their counsel present. We think it would be detrimental to have them cancel the field trip.

ED\_004715\_00052600-00002

We believe it is a reasonable request. Please let me know, I will try to follow up with a call again. They need to know right away as they will need to confirm their travel plans.

Thank you for a timely response.



**Belle A. Craig, P.L.S.**  
**Acting Deputy Forest Supervisor**  
Payette National Forest

**Forest Service**  
Intermountain Region

**p: 208-634-0768**  
**c: 801-597-3956**  
**[belle.craig@usda.gov](mailto:belle.craig@usda.gov)**

500 N. Mission St., Bldg. 2  
McCall, ID 83638-3805  
[www.fs.fed.us](http://www.fs.fed.us)



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## Appointment

---

**From:** mbogert@midasgoldinc.com [mbogert@midasgoldinc.com]  
**Sent:** 7/3/2019 8:38:34 PM  
**To:** Andy Koulermos [akoulermos@FormationEnv.com]; Bradley M. Marten [bmarten@martenlaw.com]; Terry T. Uhling [tuhling@martenlaw.com]; Merissa A. Moeller [mmoeller@martenlaw.com]; Aaron.Scheff@deq.idaho.gov; Lisa.Carlson@deq.idaho.gov; Lisa.O'Hara@deq.idaho.gov; Cerise, Kathy [Cerise.Kathryn@epa.gov]; McKenna, Elizabeth [Mckenna.Elizabeth@epa.gov]; Keegan Hahn [keegan@midasgoldinc.com]  
**Subject:** FW: Stibnite Gold Project Technical Meeting  
**Location:** <https://zoom.us/j/2822089706>  
**Start:** 7/10/2019 5:00:00 PM  
**End:** 7/10/2019 6:00:00 PM  
**Show Time As:** Tentative

**Recurrence:** (none)

-----Original Appointment-----

**From:** John Meyer <[JMeyer@midasgoldcorp.com](mailto:JMeyer@midasgoldcorp.com)>  
**Sent:** Wednesday, June 26, 2019 11:44 AM  
**To:** John Meyer; Bradley M. Marten; Merissa A. Moeller; L. Michael Bogert  
**Subject:** Stibnite Gold Project Meeting  
**When:** Wednesday, July 10, 2019 11:00 AM-12:00 PM (UTC-07:00) Mountain Time (US & Canada).  
**Where:** <https://zoom.us/j/2822089706>

A Zoom meeting has been setup for Monday.

To join the Zoom meeting via computer video and audio please use:

<https://zoom.us/j/2822089706>

To join via audio only use:

Ex. 6 Personal Privacy (PP)

Meeting ID: Ex. 6 Personal Privacy (PP)

Message

---

**From:** L. Michael Bogert [mbogert@midasgoldinc.com]  
**Sent:** 5/14/2019 4:47:29 PM  
**To:** Werntz, James [Werntz.James@epa.gov]  
**CC:** Laurel Sayer [lsayer@midasgoldinc.com]  
**Subject:** Brief Visit Next Week  
**Attachments:** ATT00001.txt

**Flag:** Flag for follow up

Jim: Laurel and I are hoping to visit with you and Lynn Hood next Monday or Tuesday regarding two brief administrative matters related to the Stibnite Project. All we need is a half hour.

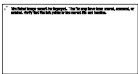
Thanks.

---

**L. Michael Bogert**

General Counsel  
Midas Gold Idaho

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Message

---

**From:** L. Michael Bogert [mbogert@midasgoldinc.com]  
**Sent:** 5/6/2020 11:57:20 PM  
**To:** Bodine, Susan [bodine.susan@epa.gov]  
**Subject:** RE: Follow Up from Last Week  
**Attachments:** ATT00001.txt

Susan: Thanks for your time today and I hope to see you in person soon. Hope all is safe.

---

**L. Michael Bogert**

General Counsel  
Midas Gold Idaho

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---

**From:** Bodine, Susan <bodine.susan@epa.gov>  
**Sent:** Thursday, November 15, 2018 11:39 AM  
**To:** L. Michael Bogert <mbogert@midasgoldinc.com>  
**Cc:** Falvo, Nicholas <falvo.nicholas@epa.gov>; Darwin, Veronica <darwin.veronica@epa.gov>; Cook, Steven <cook.steven@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Woolford, James <Woolford.James@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>  
**Subject:** RE: Follow Up from Last Week

Michael,

I would like to thank you, Stephen, and Laurel for meeting with us on October 30 and sharing some of Midas Gold's plans for the Stibnite Mine Project in Idaho.

Based on the information you provided, we understand that you are seeking some protection from CERCLA liability in exchange for cleaning up existing contamination in areas you own and/or plan to conduct mining activities.

As you are aware, EPA requires consideration for CERCLA settlement agreements that provide liability protection and conducting a CERCLA response action addressing existing contamination for which others are liable may be appropriate consideration. However, managing newly created waste or cleaning up contamination that you cause would be your

responsibility under appropriately issued permits, so any CERCLA liability for those activities would not be addressed prospectively. Of course if you cause new contamination, you may then go through the normal CERCLA process, clean up that contamination in accordance with CERCLA, and receive covenants not to sue and protection from third party contribution claims for that work as provided in our model consent decrees.

In our meeting, it was not clear what cleanup actions you are proposing to carry out or the scope of liability protection you are seeking.

Accordingly, we think it would be helpful for Midas Gold to provide Region 10 with additional technical details about the project (the geographic scope of the planned mining operations and how cleanup actions would be integrated into them; what additional cleanup activities would occur and how legacy contamination at the Site will be addressed; what would be required under reclamation and closure plans; what environmental controls would be required under your water and air permits; the scope of the protection you are seeking; whether future mine expansion could impact other areas of existing contamination, etc.).

This additional information would facilitate EPA's ability to understand the relationship between CERCLA and your planned mining activities and determine whether negotiating a CERCLA agreement would be appropriate.

Sincerely,

Susan Bodine

Susan Parker Bodine  
Assistant Administrator  
Office of Enforcement and Compliance Assurance  
202-564-2440

---

**From:** L. Michael Bogert <[mbogert@midasgoldinc.com](mailto:mbogert@midasgoldinc.com)>  
**Sent:** Monday, November 5, 2018 8:06 AM  
**To:** Bodine, Susan <[bodine.susan@epa.gov](mailto:bodine.susan@epa.gov)>; Cook, Steven <[cook.steven@epa.gov](mailto:cook.steven@epa.gov)>  
**Cc:** Falvo, Nicholas <[falvo.nicholas@epa.gov](mailto:falvo.nicholas@epa.gov)>  
**Subject:** Follow Up from Last Week

Susan/Steven: Following up on our visit from last Tuesday, and we appreciate your time.

Are we OK with you to loop back with R10 and get going?

## Appointment

---

**From:** L. Michael Bogert [mbogert@midasgoldinc.com]  
**Sent:** 1/30/2020 1:20:11 AM  
**To:** Bottcher, Helen [Bottcher.Helen@epa.gov]  
  
**Subject:** Accepted: Stibnite Mine early actions  
**Location:** EPA Seattle office with remote participation by Zoom Meeting  
  
**Start:** 1/30/2020 4:30:00 PM  
**End:** 1/30/2020 8:00:00 PM  
**Show Time As:** Busy  
  
**Recurrence:** (none)

Message

---

**From:** L. Michael Bogert [mbogert@midasgoldinc.com]  
**Sent:** 2/12/2019 4:52:40 PM  
**To:** McKenna, Elizabeth [Mckenna.Elizabeth@epa.gov]  
**Subject:** Re: Thanks

E - Do you have a few secs for a quick call today?

---

**From:** L. Michael Bogert  
**Sent:** Wednesday, December 26, 2018 8:23:23 AM  
**To:** McKenna, Elizabeth  
**Subject:** Re: Thanks

Elizabeth: We need to work out the document and other information transfer. I know things are quiet now to the New Year, but let's circle a date on the calendar to discuss how we are going to move forward. Thanks again for having my senior management in before Christmas. Much appreciated.

---

**From:** McKenna, Elizabeth <Mckenna.Elizabeth@epa.gov>  
**Sent:** Tuesday, December 18, 2018 12:38 PM  
**To:** L. Michael Bogert  
**Cc:** Stephen Quin; Laurel Sayer  
**Subject:** RE: Thanks

That sounds good. Thank you to all of you for flying out here and preparing the materials for a productive meeting.

- Elizabeth

Elizabeth McKenna  
Assistant Regional Counsel  
U.S. EPA  
1200 Sixth Avenue  
Seattle, WA 98101  
(206) 553-0016  
Cell: (206) 402-9963

-----Original Message-----

**From:** L. Michael Bogert <mbogert@midasgoldinc.com>  
**Sent:** Monday, December 17, 2018 6:11 PM  
**To:** McKenna, Elizabeth <Mckenna.Elizabeth@epa.gov>; pmcgrath@donlingold.com  
**Cc:** Stephen Quin <SQuin@midasgoldcorp.com>; Laurel Sayer <lsayer@midasgoldinc.com>  
**Subject:** Thanks

Elizabeth/Patty: Thanks for organizing and participating in the meeting today. We greatly appreciate your time.

Elizabeth, I will loop back shortly on the logistics we discussed.

Sent from my iPhone

## Appointment

---

**From:** L. Michael Bogert [mbogert@midasgoldinc.com]

**Sent:** 3/13/2019 7:40:54 PM

**To:** Wildeman, Anna [wildeman.anna@epa.gov]

**Subject:** Accepted: Water Quality Trading Meeting

**Location:** 1201 Constitution Ave NW, Washington DC 20640 3233 WJCE Please call 202-564-5700 or 202-564-3318 for escort

**Start:** 3/19/2019 6:00:00 PM

**End:** 3/19/2019 6:30:00 PM

**Show Time As:** Busy

**Recurrence:** (none)